

**Zoning Board of Appeals Minutes**  
**February 14, 2018**  
**Hearing #18-02- Deliberation**

Present for ZBA Board: Dave Perry (Chair), Mark Carlisle, Terry Girouard, Rich Arndt  
Absent: Heather Carlisle, Ken Mullen

Present: Debbie Phillips, Esq. (Town Legal), Jeffery Aveni Esq. (Representing ASL Property)

18-02 – ASL Property is requesting a Variance – Section 3.24 (t)

ASL Property Service Variance request to operate a construction / excavation / home renovation / snow removal company, which would have storage of construction equipment and/or building materials on site of 3 Main Street (Map 62 Parcel 103)

7:01 Dave opens meeting

Dave Perry explains the process for Deliberations.

Dave then explains that Ken Mullen (ZBA Member) who was at the 1/28/18 Hearing is not available and has unofficially resigned therefore only 4 of the 5 members are present. He then asks Debbie if the applicant needs to approve a 4 member board.

Debbie explains that they could continue because they do not have an alternate.

Mark asks that if the applicant requests a 5 member board what the process is, would they have to start over, or get selectman approval? He also states for the record that Heather Carlisle who was not available for the initial Hearing but a member of the board is his daughter and a lawyer but would be available.

Debbie states that she will have to check the legality of Heather Carlisle just reviewing application and documents and then participating and voting in deliberations, or if they would have to have another Hearing.

Dave addresses Aveni and explains the 4 member board vs. 5 and allows Aveni and his client to decide if they want to continue with the 4 present or would like a 5 members to vote.

Aveni and his client state that they would like to have a 5 member board voting.

Dave then explains that the time frame for a variance is 90 days....the board then checks the time stamp on the application which is 1/18/18, and establish that they need to make sure this application has a decision before April 2, 2018.

Debbie again states that she will confirm by the end of the week if this will be a continuation of deliberation or if they will need to have a new hearing.

Discussion between members, Debbie, Aveni as to dates.....

The board and applicant agree to be put on the 2/28/18 agenda for 8:00 (although Aveni may have conflict), but all agree that being on the agenda now will be better, the board will know by then if they are just continuing deliberations or if they will be scheduling a new hearing. There was also discussion of a date (March 5) if another date is needed.

Mark makes a motion to continue the deliberation to February 28, 2018, Dave 2nds, all approve.

Dave explains to residence in attendance the plan to continue to 2/28/18 and that this will be put on the agenda for 8:00 February 28, 2018.

The board reviews Minutes from 1/25/18. Terry notes the correction of the Richey's stating that fumes are an issue and that they work 2<sup>nd</sup> and 3<sup>rd</sup> shifts.

Dave makes a motion to approve minutes with corrections to be approved, Terry 2nds, all approve.

Meeting adjourns 8:03 PM.

Next meeting for deliberation will be February 28, 2018 at 8:00 pm in the Lower Meeting Room.

Respectfully submitted by:  
Heather Ruziak, Land Use Administrator